



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 26, 2002

Earl Fellows  
1022 N 1400 W  
Preston, Id 83263

James Ridge  
1239 N 2200 W  
Preston, Id 83263

Dear Gentlemen,

You each received an order from the Department dated August 12, 2002 requiring that measuring devices and headgates be installed on your diversions from the Bell-Tanner drain prior to the 2003 irrigation season. That order included a finding or determination by the Department that the Bell-Tanner drain is tributary to the Bear River and therefore subject to control by the watermaster of Water District 11, Bear River and tributaries.

It has come to our attention that one of the diversions on the drain has continued to divert water for irrigation through much of the irrigation season even though the priority dates of the rights on the drain are much junior to water rights on the Bear River. Currently, rights with priority of March 1, 1889 and senior are the only priority rights on the main stem Bear River that are being filled. Most diversions on the Bear River have been shut off. Tributary water rights junior to 1889 must also be shut off.

The purpose of this letter is to notify you that you must cease further diversion of water from the Bell-Tanner Drain until such time as the priority dates for those rights on the drain are again deliverable. The watermaster of Water District 11 will inspect the diversions on the drain after receipt of this letter and take such necessary action as to assure that the diversions on the drain are shut off. This action may include chaining and locking headgates on the drain.

Please contact the Eastern Regional office at 208-525-7161 or the watermaster, Pete Peterson, at 208-852-1385 if you have any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Luke', is written over a horizontal line.

Tim Luke  
Manager, Water Distribution Section

CC: Pete Peterson, Watermaster, Water District 11  
Harold Jones, Eastern Region  
Ron Carlson, Eastern Region